IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH

1. S.B. Civil Writ Petition No.9667/02
M/s Kanhaiya Lal Babu Lal
Vs.
The Director Agriculture Marketing Board & Anr.

2. S.B. Civil Writ Petition No.9664/02
M/s Nanak Chand Nemi Chand
Vs.
The Director Agriculture Marketing Board & Anr.

13.3.2007

Hon'ble Mr.Justice Mohammad Rafiq

Shri Munish Kumar Sharma for petitioners.
Shri Inderjeet Singh for respondent.

The writ petitions have been filed against the levy and realization of the mandi fee by the respondents on the petitioner. Such fee has been recovered from the petitioners by the respondents on the basis of certain imports by them which were not declared in the accounts and thereby the evasion of the payment of the mandi fee was made. The respondents on the

basis of their enquiry came to hold that the petitioners have been importing sugar from outside the State of Rajasthan and not making payment of the mandi fee. The notice dated 15.7.02 served on the petitioner in Writ Petition No.9667/2002 clearly indicates that the Assistant Director Agriculture Marketing, Alwar during inspection of the business premises of the petitioner on 31.1.2002 found that the petitioner had imported sugar from Chata Sugar Mill, District Mathura (UP). Similar notice was also given to the petitioner in the Writ Petition No.9664/02 on the premise that when Assistant Director inspected the records on 27.3.2001 and he found that the petitioner had imported sugar from State of Haryana in the year 98-99, 99-2000 and did not make payment of the mandi fee. On the basis of the satisfaction, in the first

writ petition of M/s Kanhiyalal Babu Lal, the respondents recovered from the petitioner a sum of Rs.6,805/- and in the second writ petition of M/s. Nanak Chand a sum of Rs.14,994/-. The amount of mandi fee has been recovered but the appeal preferred by the petitioners thereafter before the Director Agriculture Marketing has also been rejected. It is against these two orders that the writ petitions have been filed.

Heard learned counsel for the parties and perused the material on record.

I find that the satisfaction of the respondents that the petitioners imported goods from outside the State of Rajasthan was based on the survey conducted by the Assistant Director of the records of the petitioners firm in the own business premises and this being a finding of fact

arrived at by them, I am not persuaded to take a contrary view on the basis of what has been argued by learned counsel for the petitioners. I therefore do not find any error in the orders passed by the respondents. The writ petitions having no merit are accordingly dismissed with no order as costs.

(Mohammad Rafiq),J.

RS/-